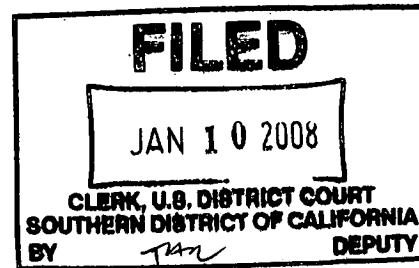


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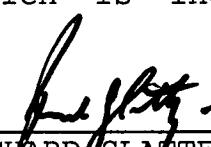
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) Magistrate's Case No.:  
Plaintiff, )  
v. ) COMPLAINT FOR VIOLATION OF  
Juan ROJO-Castaneda, ) Title 21, U.S.C., § 841(a)(1)  
Defendant. ) Possession with Intent to  
 ) Distribute (Felony)  
 )  
 )

The undersigned complainant being duly sworn states:

That on or about January 9, 2008, within the Southern District of California, defendant Juan ROJO-Castaneda did knowingly and intentionally possess, with intent to distribute approximately 168 kilograms (369 pounds) of marijuana, Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

  
RICHARD SLATTERY  
Special Agent  
Drug Enforcement Administration

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 10<sup>TH</sup> DAY  
OF JANUARY, 2008.

  
PETER C. LEWIS  
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.  
3 Juan ROJO-Castaneda

4  
5 STATEMENT OF FACTS  
6

7 I, Special Agent Richard Slattery, of the Drug  
8 Enforcement Administration affirm that the following is true  
9 and correct:  
10

11 On January 9, 2007, as the Duty Agent for the Imperial  
12 County District Office (ICDO), I responded to the United  
13 States Border Patrol (USBP) Highway 86 Checkpoint near  
14 Westmorland, California, and was provided the following  
15 information from USBP reports, and statements from the  
16 arresting agents regarding the arrest of Juan ROJO-Castaneda:  
17

18 On January 9, 2007, at approximately 3:20 a.m., USBP  
19 Agent F. Carretero was working at the Highway 86 Checkpoint  
20 near Westmorland at primary inspection screening when a gray  
21 Ken worth tractor trailer, bearing California license plates  
22 VP04016, arrived at the checkpoint. The vehicle was driven by  
23 Juan ROJO-Castaneda.  
24

25 ROJO-Castaneda stated he was a lawful permanent resident  
26 and presented Agent Carretero with a valid I-551 Permanent  
27 Resident Card. ROJO-Castaneda stated his trailer was empty  
28 and he was on his way to Bakersfield, California. Agent  
Carretero observed ROJO-Castaneda becoming extremely nervous,  
fidgeting and avoiding eye contact. ROJO-Castaneda was very  
anxious to finish answering questions and asked Agent  
Carretero if he (ROJO-Castaneda) could continue on his way.

In pre-primary inspection, USBP K-9 Agent Vega and his

1 assigned dog were inspecting the ROJO-Castaneda's trailer.  
2 The dog alerted on the rear doors of the trailer. ROJO-  
3 Castaneda was referred to the secondary inspection area.

4 In secondary inspection ROJO-Castaneda consented with  
5 Agent Vega to a further inspection of the trailer. ROJO-  
6 Castaneda then proceeded to open the rear doors of the  
7 trailer. The K-9 alerted positive to the trailer. Once the  
8 doors were open Agent Vega smelled the strong order of  
9 marijuana. A subsequent search of the trailer revealed  
10 eighteen (18) bales of marijuana contained inside two empty  
11 plastic bins at the front of the trailer. The marijuana had a  
12 total weight of approximately 168 kilograms (369 pounds). It  
13 is noted that utilizing a Narcotics Identification Kit (NIK)  
14 the marijuana tested positive.

15 Drug Enforcement Administration Special Agent R. Slattery  
16 and TFO P. Tabarez responded to the USBP checkpoint. ROJO-  
17 Castaneda was read his Miranda rights per Form DEA-13A by TFO  
18 Tabarez. ROJO-Castaneda stated he understood his rights and  
19 agreed to answer questions without the presence of an  
20 attorney. ROJO-Castaneda gave the following post arrest  
21 statements:

22 ROJO-Castaneda claimed he had no knowledge his trailer  
23 contained narcotics. ROJO-Castaneda stated he owns the  
24 tractor trailer and he works for Juarez Brothers Trucking,  
25 Inc., in Bakersfield, California. On January 8, 2008, ROJO-  
26 Castaneda delivered a load of carrots to El Centro Cold  
27 Storage warehouse in El Centro, California. At approximately  
28 11:45 P.M. once his trailer was unloaded a fork-lift operator

1 known as "El Gordo" loaded the trailer with empty plastic  
2 bins. ROJO-Castaneda remained inside his tractor and did not  
3 observe his trailer being loaded.

4 ROJO-Castaneda then drove to Westmorland, California,  
5 parked his trailer and slept for a few hours before proceeding  
6 north. ROJO-Castaneda said he was going to drop off the  
7 plastic bins at Grimmway Farms in Bakersfield before he was  
8 stopped at the USBP checkpoint. ROJO-Castaneda stated David  
9 Hernandez is the dispatcher working for the Juarez Brothers  
10 Trucking. ROJO-Castaneda had no additional information to add  
and the interview was terminated.

11 On January 9, 2008 S/A Slattery and TFO Tabarez went to  
12 River Ranch Fresh Foods, LLC located at 170 N 1<sup>st</sup> Street El  
13 Centro, California and spoke with Richard Hiura the Director  
14 of Processing and Packaging. Hiura confirmed that River Ranch  
15 received a shipment of carrots from Grimmway Farms on January  
16 8, 2008 at 11:17AM. Hiura stated that River Ranch only  
17 receives shipments of carrots in the morning hours. It is  
18 noted that there is no such person who works at River Ranch  
19 that goes by the name of El Gordo.  
20

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